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SIXTIETH LEGISLATURE

SIXTEENTH LEGISLATIVE DAY
TUESDAY, JANUARY 27, 2009

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senator Lodge, absent and formally excused by the Chair; and Senators Jorgenson, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Porter Chelson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 26, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Jorgenson, Pearce, and Stegner were recorded present at this order of business.

The Senate advanced to the Fourth Order of Business.

Reading of Communications

January 6, 2009

The Honorable Robert L. Geddes
President Pro Tempore of the Senate
Idaho Legislature

Dear President Pro Tempore:

Having been elected to the office of United States Senator for the State of Idaho and having been duly qualified to perform the duties of that office, I do hereby resign my Idaho constitutional office of Lieutenant Governor pursuant to Idaho Code Section 59-901 (1), effective at 10:00 a.m., Mountain Standard Time, on January 6, 2009.

Very truly yours,
/s/ James E. Risch
United States Senator
For the State of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 27, 2009

The JUDICIARY AND RULES Committee reports that [S 1041](#), [S 1042](#), [S 1043](#), [S 1044](#), and [S 1045](#) have been correctly printed.

DARRINGTON, Chairman

[S 1041](#), [S 1043](#), [S 1044](#), and [S 1045](#) were referred to the State Affairs Committee.

[S 1042](#) was referred to the Judiciary and Rules Committee.

January 27, 2009

The EDUCATION Committee reports out [S 1012](#) with the recommendation that it do pass.

GOEDDE, Chairman

[S 1012](#) was filed for second reading.

January 27, 2009

The FINANCE Committee reports out [S 1016](#) with the recommendation that it do pass.

CAMERON, Chairman

[S 1016](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

January 27, 2009

Dear Mr. President:

I transmit herewith [HCR 2](#), [HCR 3](#), [HCR 4](#), [HCR 5](#), and [H 4](#), which have passed the House.

ALEXANDER, Chief Clerk

[HCR 2](#), [HCR 3](#), [HCR 4](#), [HCR 5](#), and [H 4](#) were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1046

**BY JUDICIARY AND RULES COMMITTEE
AN ACT**

RELATING TO CRIME VICTIMS COMPENSATION; AMENDING SECTION 72-1025, IDAHO CODE, TO INCREASE THE MINIMUM FINE OR REIMBURSEMENT IMPOSED FOR EACH FELONY COUNT, TO INCREASE THE FINE OR REIMBURSEMENT IMPOSED FOR EACH MISDEMEANOR COUNT AND TO INCREASE THE MINIMUM FINE OR REIMBURSEMENT IMPOSED FOR ANY SEX OFFENSE.

S 1047

**BY JUDICIARY AND RULES COMMITTEE
AN ACT**

RELATING TO THE TREATMENT AND CARE OF THE DEVELOPMENTALLY DISABLED; AMENDING CHAPTER 4, TITLE 66, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 66-418, IDAHO CODE, TO PROVIDE FOR TEMPORARY GUARDIANS AND TEMPORARY CONSERVATORS OF DEVELOPMENTALLY DISABLED PERSONS; AMENDING CHAPTER 4, TITLE 66, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 66-419, IDAHO CODE, TO PROVIDE THE DUTIES, RIGHTS AND POWERS OF A GUARDIAN AD LITEM; AND DECLARING AN EMERGENCY.

S 1048

**BY JUDICIARY AND RULES COMMITTEE
AN ACT**

RELATING TO THE PROTECTION OF PERSONS WITH DISABILITIES; AMENDING SECTION 15-5-206, IDAHO CODE, TO PROHIBIT CERTAIN PERSONS FROM BEING APPOINTED AS A GUARDIAN OF A MINOR WITH AN EXCEPTION; AMENDING SECTION 15-5-207, IDAHO CODE, TO PROVIDE FOR PETITION CONTENTS; AMENDING SECTION 15-5-209, IDAHO CODE, TO REQUIRE THE GUARDIAN TO TAKE CERTAIN REASONABLE MEASURES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-5-303, IDAHO CODE, TO PROVIDE FOR ADDITIONAL PETITION CONTENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-5-404, IDAHO CODE, TO PROVIDE FOR ADDITIONAL PETITION CONTENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-5-407, IDAHO CODE, TO PROVIDE FOR CLOSED HEARINGS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 15-5-409a, IDAHO CODE, TO CLARIFY LANGUAGE, TO PROVIDE COURT DISCRETION REGARDING THE COMPROMISE OF A DISPUTED CLAIM FOR MONEY AGAINST A THIRD PERSON AND TO MAKE TECHNICAL CORRECTIONS.

S 1049

**BY JUDICIARY AND RULES COMMITTEE
AN ACT**

RELATING TO DISPOSITION OF HUMAN REMAINS; AMENDING SECTION 54-1139, IDAHO CODE, TO APPLY A CITED IDAHO CODE PROVISION IN THE

ABSENCE OF PROVISION REGARDING DISPOSITION OF REMAINS IN A PREARRANGED FUNERAL PLAN AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1141, IDAHO CODE, TO PROVIDE A CODE CROSS-REFERENCE, TO REMOVE PROVISIONS REGARDING FUNERAL SERVICES THAT DO NOT CONFLICT WITH THE DECEASED'S INSTRUCTIONS AND TO PROVIDE FOR ALTERNATE ARRANGEMENTS THAT DO NOT INVOLVE THE PERSON'S REMAINS; AMENDING SECTION 54-1142, IDAHO CODE, TO PROVIDE FOR DISPOSITION OF A PERSON'S REMAINS THAT ARE NOT CLEARLY COVERED IN A PREARRANGED FUNERAL PLAN.

[S 1046](#), [S 1047](#), [S 1048](#), and [S 1049](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[HCR 2](#), [HCR 3](#), [HCR 4](#), and [HCR 5](#), by Judiciary, Rules and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 4](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 11:30 a.m., Wednesday, January 28, 2009.

BRAD LITTLE, President

Attest: RUSTI HORTON, Assistant Secretary of the Senate